



FCC MAIL SECTION

JUN 29 10 20 AM '92 Ronald Voss

RECEIVED BY

RECEIVED

JUN 29 1992

Federal Communications Commission  
Office of the Secretary

ORIGINAL  
FILE

June 26, 1992

Office of the Secretary  
Federal Communications Commission  
Washington, DC 20554

RE: PR Docket No. 92-80  
RM 7909

Please find enclosed for filing an original of Galaxy Cablevision, L.P.'s Comments in the above-referenced matter. I have also enclosed nine copies of our Comments so that each Commissioner will receive a copy of same.

Thank you for your assistance in this matter.

Sincerely,

Ron Voss  
Vice President  
Corporate Development

RV:jhl

Enclosures

cc: Ms. Rebecca Dorch  
Mr. Tommy L. Gleason, Jr.

No. of Copies rec'd  
List A B C D E

0 + 9

RECEIVED

JUN 29 1992

FCC MAIL ROOM JUN 29 1992

Federal Communications Commission  
Office of the Secretary

Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554  
JUN 29 10 20 AM '92

In the Matter of

RECEIVED BY

Amendment of Parts 1, 2, and )  
21 of the commission's Rules ) PR Docket No. 92-80  
Governing Use of Frequencies in ) RM 7909  
the 2.1 and 2.5 GHz Bands )

COMMENTS OF GALAXY CABLEVISION, L.P.

Galaxy Cablevision, L.P. hereby files its comments in the captioned proceeding in response to the Commission's Notice of Proposed Rule Making, released May 8, 1992, in the above captioned matter (the Notice), stating as follows:

Introduction

Galaxy Cablevision, L.P. is entering the wireless cable television service business by acquiring an existing wireless cable television service company.

Since we have not participated in the MDS license application process, our views of the process and the wireless cable television service industry will most likely be different than those engaged in wireless over a longer period of time.

It is our belief that a wireless cable television service business is possible and that the business will not only provide an alternative cable television programming delivery system, but can and will be a profitable enterprise.

Generally, we believe the following must occur:

1. Wireless cable television systems must have defined market service areas free from signal interference.

2. MDS, MMDS and ITFS licenses in a market need to be issued to a single operator.

3. License holders should be held to a more rigid standard when declaring a station as construction completed.

4. The burden should be placed upon the applicants for quantifying MDS applications, and frivolous filings and petitions should be penalized.

Other issues which are presented in the Proposed Rule Making will be addressed in the following discussion of each of the above-mentioned points.

Point 1: From a practical standpoint, a wireless cable television service can serve an area within 35 miles of the transmitter site. Because there are so few commercial wireless cable television services currently operating, an emphasis should be placed upon protecting markets from other wireless systems. We believe a 70 mile transmit site separation rule would not only ensure that customers in the outlying service area would have access to cable television programming, it would also eliminate the endless filings of marginal applications, petitions to deny and responses.

Allowing interfering signals within the 35 mile market would most likely preclude clear wireless cable television service to the rural resident. It is those residents who are often left unserved by traditional cable television service.

Once viable wireless cable television services are established, it would then be possible to revisit the issue on a

market by market basis and review well documented applications for additional transmit sites.

Before the business of wireless cable television service can be established, a market must be defined.

We would support an MSA/RSA concept with a 112 kilometer separation standard with respect to all MDS, MMDS and ITFS channels.

Point 2: All MDS, MMDS and ITFS licenses should be granted to a single operator. This is probably the most difficult issue, but drastic action needs to be taken.

Wireless cable television service does not need built in competition. The wireless cable television service industry will need all of its resources to compete with traditional cable, over-the-air broadcast, telcos, DBS, home earth stations, and other emerging technologies. We would propose the following:

- A. Define construction completed operating stations in the same way commercial radio AM and FM stations are defined.
- B. Grandfather all existing granted licenses with the new operational standards applied. A compliance time period should also be granted (possibly one year).
- C. Return all other applications.
- D. Identify all markets.
- E. Identify all operational markets.
- F. Identify all available markets and request applications for the specific market. These individual applications would be for all available commercial channels. It would then be the responsibility of the license holder to negotiate with

and/or help to develop the use of the available ITFS channel groups in the market.

Channel capacity is critical to a successful competitive wireless cable television system. Multiple license holders in the same market promotes trafficking, higher entry costs, lengthy delays, and endless mounds of paperwork.

Point 3: We would propose that an immediate clarification of the rules require license holders to become operational along the same terms as placed upon commercial radio AM and FM license holders. In other words, a construction permit that has been fulfilled should require the operator to be transmitting a modulated signal at the prescribed power and antenna height, and be able to demonstrate commercial receive sites within a specified period of time. This would have an immediate effect on licenses being held without any real business plan. Also, it might force multiple license holders in a given market to reach an agreement in developing a true competitive wireless cable television service.

Point 4: It appears to us that an unnecessary burden is being placed on the Commission to settle and decide licensing disputes. It should be incumbent upon the applicant to file certified engineering studies with any application. This showing should include detailed frequency coordination studies which would indicate polarity assignments as it relates to adjacent operating systems, and specific plans for implementing a precise offset where necessary when the 112 kilometer separation is not met.

We also feel that the use of the petition to deny without any documented prior effort on the petitioner's part to settle the

issue should be returned. The petition to deny should be the path of last resort.

In summary, Galaxy Cablevision, L.P. believes that a wireless cable television service must have sufficient channel capacity to not only compete in the marketplace, but to also provide broad video service to areas not served by traditional cable television service.

It is the combination of these aspects of a market that will allow wireless cable television service the revenues necessary to succeed.

GALAXY CABLEVISION, L.P.

By: 

\_\_\_\_\_  
Ron Voss  
Vice President  
Corporate Development